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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/932,664 | 08/17/2001 | Yuichiro Deguchi | SONI-7200 | 4568 |

7590 12/24/2003

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EXAMINER

LE, DEBBIE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2177

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,664

Applicant(s)

DEGUCHI, YUICHIRO

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Janik et al (US Patent Application 2003/0005433 A1).

As per claims 1, 15 and 45, Janik discloses a system for determining information related to broadcast content comprising:

a data network (fig. # 16); a user terminal coupled to the data network (¶ 0021) configured to transmit a search request corresponding to a marked data (¶ 003); and a server terminal coupled to a data network configured to access one or more storage units in response to said search request received from said user terminal, and to transmit a result corresponding to said search request to said user terminal (fig. 1, # 24, ¶ 0045, 0047-0048).

As per claim 2, Janik teaches wherein said data network includes one of a Local Area Network (LAN), a Wide Area Network (WAN), and an internet connection (¶ 0021).

As per claims 3 and 16, Janik teaches wherein said user terminal includes one of a personal computer, an internet access enabled personal digital assistant, Wireless Application Protocol enabled mobile telephone, and an i-mode enabled mobile telephone (¶ 0017).

As per claims 4 and 17, Janik teaches wherein said user terminal and said serverterminal are coupled to said data network using one of a TCP/IP protocol, and an Appletalk protocol (§ 0021).

As per claims 5, 18 and 40, Janik teaches wherein said search request includes an indication of selecting said marked data (§ 0003, .

As per claims 6 and 19, Janik teaches wherein said indication includes a drag and drop operation of an icon representative of said marked data displayed on said user terminal to an icon representative of said search request (§ 0050).

As per claims 7 and 20, Janik teaches wherein said icon representative of said marked data includes a hypertext link (§ 0022).

As per claims 8, 21 and 35, Janik teaches wherein said icon representative of said search request includes one of a two-dimensional still image or a three-dimensional still image, and a dynamic video image (§ 0063).

As per claims 9, 22, and 30 Janik teaches wherein said user terminal is configured to output a search request in progress display after said search request is transmitted (§ 0050).

As per claims 10-11, 23-24, 29, 37-38 and 43, Janik teaches wherein said one or more storage units of the server terminal includes one or more user playlist databases, wherein each of said one or more user playlist databases includes information corresponding to the marked data corresponding to the respective users (§ 0048).

As per claims 12 and 25 and 31, Janik teaches wherein said marked data includes information corresponding to a bookmarked music clip broadcast over a radio station (§ 0003).

As per claims 13-14, 26-27, 32, 36 and 44, Janik teaches wherein said information corresponding to the bookmarked music clip includes one or more of a name of the music

clip, a name of the music clip artist, and a name of the music clip album, wherein the result corresponding to the search request transmitted to the user terminal includes one or more of information corresponding to music clips broadcast over one or more radio stations (§§ 0050-0051).

Claim 28 is rejected by the same rationale as state in independent claim 1.

Furthermore, Janik teaches a plurality of user terminals configured to permit access to said one user terminal to perform a data search operation (§§ 0048).

As per claims 33 and 39, Janik teaches initiating a music search operation, receiving for display a search pending status data (§§ 0047); and receiving a playlist corresponding to said search operation (§§ 0048, 0050-0051).

As per claim 34, Janik teaches initiating step includes selecting a bookmarked music (§§ 0045).

As per claims 41-43, Janik teaches wherein said retrieving step includes accessing one or more databases, wherein said one or more databases includes user playlist databases, including updating said one or more databases (§§ 0003, 0048).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fried, Lan, Sony device bookmark music heard on radio, CNET News.com, June 9, 2000.

Fried, Lan, Music bookmarking form to close its doors, CNET News.com, Sept. 19, 2000.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le

Dec. 10, 2003.



GRETA ROBINSON
PRIMARY EXAMINER